

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Kimberly Nugent

## DEFENDANTS

Millard Mall Services, Inc., Mydatt Security Services, Inc., and Valor Security Services

(b) County of Residence of First Listed Plaintiff Philadelphia County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Cook County, IL  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marc F. Greenfield, Esquire  
1500 JFK Boulevard, Suite 200  
Philadelphia, PA 19102

Attorneys (If Known)

Charles Jay Bogdanoff, Esquire  
215 South Broad Street, Suite 700  
Philadelphia, PA 19107

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1332

Brief description of cause:

Plaintiff alleges she tripped and fell due to broken/uneven pavement in the Franklin Mills Mall parking lot.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE C.J. Petrese B. Tucker

DOCKET NUMBER 14-5873

DATE

12/22/14

SIGNATURE OF ATTORNEY OF RECORD

*[Signature]*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

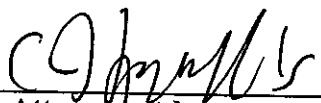
**CASE MANAGEMENT TRACK DESIGNATION FORM**

KIMBERLY NUGENT v. MILLARD MALL SERVICES, INC., et al	: : : : :	CIVIL ACTION     NO.
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In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>12/22/14</u> <b>Date</b> <u>(215) 563-2511</u> <b>Telephone</b>	 <u>Attorney-at-law</u> <u>(215) 558-6404</u> <b>FAX Number</b>	Millard Mall Services, Inc., and Mydatt Services, Inc. d/b/a Valor Security Services <u>Attorney for</u> <u>mail@gekoskibogdanoff.com</u> <b>E-Mail Address</b>
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## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7417 Shisler Street, Philadelphia, PA 19111

Address of Defendant: 7301 North Cicero Avenue, Lincolnwood, IL 60712

Place of Accident, Incident or Transaction: Franklin Mills Mall

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: 14-5873

Judge C.J. Petrese B. Tucker

Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Premises Liability
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Charles Jay Bogdanoff, Esquire, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/22/14

Attorney-at-Law

02657

Attorney I.D.#

APPENDIX G

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

KIMBERLY NUGENT

V.

MILLARD MALL SERVICES, INC. et al.

Civil Action

No: \_\_\_\_\_

DISCLOSURE STATEMENT FORM

Please check one box:

- ☒ The nongovernmental corporate party, Millard Mall Services, Inc.  
, in the above listed civil action does not have any parent corporation and  
publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action has the following parent corporation(s) and  
publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12/22/14  
Date

  
Signature

Counsel for: Defendant, Millard Mall Services, Inc.

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
  - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
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Mydatt Services, Inc. d/b/a Valor Security
- ☒ The nongovernmental corporate party, Services, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

SMS Holdings Corporation

Date

12/22/14

Signature



Counsel for: Defendant, Mydatt Services, Inc. d/b/a Valor Security Services

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Yes ☐ No ☒

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(Please specify)

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DATE: 12/22/14

Attorney-at-Law

Attorney I.D.#

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SMS Holdings Corporation

Date

Signature

Counsel for: Defendant, Mydatt Services, Inc. d/b/a Valor Security Services

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

KIMBERLY NUGENT

V.

MILLARD MALL SERVICES, INC. et al.

Civil Action

No: \_\_\_\_\_

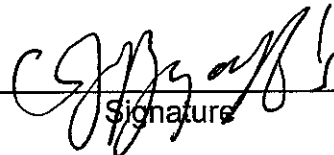
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12/22/14  
Date

  
Signature

Counsel for: Defendant, Millard Mall Services, Inc.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

KIMBERLY NUGENT

v.

MILLARD MALL SERVICES, INC.

and

MYDATT SERVICES, INC.

and

VALOR SECURITY SERVICES

---

CIVIL ACTION – LAW

No.

**NOTICE OF REMOVAL**

Moving Defendants, Millard Mall Services, Inc. and Mydatt Services, Inc. d/b/a Valor Security Services, incorrectly designated separately in Plaintiff's Complaint as "Mydatt Services, Inc. and Valor Security Services" (collectively "Moving Defendants"), by and through their counsel, Gekoski & Bogdanoff, P.C., hereby notice the removal of the above-entitled action from the Court of Common Pleas of Philadelphia County, No. 141100917 to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§ 1441(a) and 1446. In support of this Notice of Removal, Moving Defendant states as follows:

1. On November 10, 2014, Plaintiff commenced a lawsuit by way of a Complaint, naming as defendants Millard Mall Services, Inc., Mydatt Services, Inc., and Valor Security Services. Moving Defendant Millard Mall Services, Inc. was served with process on December 3, 2014. Moving Defendant Mydatt Services, Inc. was served with process on December 1, 2014.

Incorporated herein and attached hereto as Exhibit "A," without admitting or adopting the allegations therein, is a true and correct copy of the Plaintiff's Complaint.

2. The Complaint alleges, inter alia, that the Plaintiff, Kimberly Nugent, resides at 7417 Shisler Street, Philadelphia, PA 19111.

3. The Complaint alleges an amount in controversy in excess of \$50,000 and the Civil Cover Sheet to the Complaint indicates an amount in controversy exceeding \$50,000, which on its face, is less than the \$75,000 diversity jurisdiction requirement.

4. Based on a related action, upon information and belief, the Plaintiff is demanding \$160,000 to settle the case and, therefore, the amount in controversy exceeds \$75,000 pursuant to 28 U.S.C. § 1446.

5. In this case, there is complete diversity of citizenship between the parties, as the plaintiff is a citizen of Pennsylvania, while Moving Defendants are citizens of states outside of Pennsylvania. Moving Defendant Millard Mall Services, Inc. is a corporation organized under the laws of the State of Illinois with its principal place of business in Illinois. Moving Defendant Mydatt Services, Inc. d/b/a Valor Security Services, incorrectly designated separately in Plaintiff's Complaint as "Mydatt Services, Inc. and Valor Security Services" is a corporation organized under the laws of Ohio with a principal place of business in Tennessee.

6. This Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This action is therefore properly and timely removed pursuant to 28 U.S.C. § 1441(a) and in accordance with the requirements of 28 U.S.C. § 1446, as this Notice of Removal is being filed within thirty (30) days after the receipt by the Moving Defendants through service

of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, with confirmation and notice that the amount in controversy exceeds \$75,000, and within one year of the commencement of this action, thereby fulfilling the requirement for diversity jurisdiction.

8. Moving Defendants desire to remove this action to the United States District Court for the Eastern District of Pennsylvania.

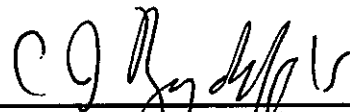
9. Written notice of the filing of this Notice of Removal is being served on this date upon all counsel of record and non-appearing parties.

10. A true and correct copy of this Notice of Removal is being filed on this date with the Prothonotary for the Court of Common Pleas of Philadelphia County.

**WHEREFORE**, for the aforesaid reasons, Moving Defendants, Millard Mall Services, Inc. and Mydatt Services, Inc. d/b/a Valor Security Services, incorrectly designated separately as "Mydatt Services, Inc. and Valor Security Services," respectfully requests that this case be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

GEKOSKI & BOGDANOFF, P.C.



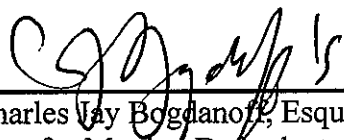
By: Charles Jay Bogdanoff, Esquire  
Attorney for Moving Defendants,  
Millard Mall Services, Inc., and  
Mydatt Services, Inc. d/b/a Valor  
Security Services, incorrectly  
designated separately as "Mydatt  
Services, Inc. and Valor Security  
Services"

Date: December 22, 2014

**VERIFICATION**

I, Charles Jay Bogdanoff, Esquire, do hereby verify that I am the attorney for Moving Defendants, Millard Mall Services, Inc. and Mydatt Services, Inc. d/b/a Valor Security Services, incorrectly designated separately as "Mydatt Services, Inc. and Valor Security Services," that I am authorized to make this verification on its behalf, and that the facts contained in the foregoing Notice of Removal are true and correct to the best of my information, knowledge, and belief. I understand that the statements herein are made subject to the penalties of F.R.C.P. § 11 relating to unsworn falsification to authorities.

GEKOSKI & BOGDANOFF, P.C.

  
By: Charles Jay Bogdanoff, Esquire  
Attorney for Moving Defendants,  
Millard Mall Services, Inc., and  
Mydatt Services, Inc. d/b/a Valor  
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Services, Inc. and Valor Security  
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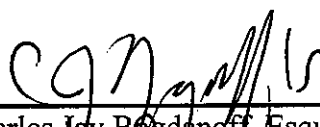
Date: December 22, 2014

**CERTIFICATE OF SERVICE**

I, Charles Jay Bogdanoff, Esquire, do hereby certify that on December\_\_\_\_, 2014, a true and correct copy of the foregoing Notice of Removal was served upon the parties through the Federal Court Electronic Filing System and through Facsimile Transmission, addressed to counsel of record as follows:

Marc F. Greenfield, Esquire  
Spear, Greenfield & Richman, P.C.  
2 Penn Center, Suite 200  
1500 John F. Kennedy Boulevard  
Philadelphia, PA 19102

GEKOSKI & BOGDANOFF, P.C.

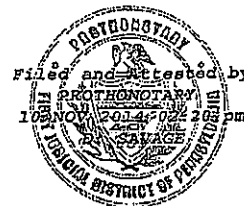
  
By: Charles Jay Bogdanoff, Esquire  
Attorney for Moving Defendants,  
Millard Mall Services, Inc., and  
Mydatt Services, Inc. d/b/a Valor  
Security Services, incorrectly  
designated separately as "Mydatt  
Services, Inc. and Valor Security  
Services"

Date: December 22, 2014

# **EXHIBIT A**

**SPEAR, GREENFIELD & RICHMAN, P.C.**  
 BY: MARC F. GREENFIELD, ESQUIRE  
 I.D. NO.: 62081  
 Two Penn Center Plaza, Suite 200  
 1500 J.F.K. Boulevard  
 Philadelphia, PA 19102  
 (215) 985-2424

**MAJOR JURY**



Attorney for plaintiff

**KIMBERLY NUGENT**  
 7417 Shisler Street  
 Philadelphia, PA 19111

**COURT OF COMMON PLEAS  
 COUNTY OF PHILADELPHIA  
 CIVIL TRIAL DIVISION**

v.

**MILLARD MALL SERVICES, INC.**  
 c/o Corporation Service Company  
 2595 Interstate Drive, Suite 103  
 Harrisburg, PA 17110

&

**MYDATT SERVICES, INC.**  
 c/o CT Corporation System  
 116 Pine Street, Suite 320  
 Harrisburg, PA 17101

&

**VALOR SECURITY SERVICES**  
 2845 Center Valley Parkway, Ste 43  
 Center Valley, PA 18034

**COMPLAINT IN PERSONAL INJURY  
 2S PREMISES LIABILITY**

NOTICE

ADVISO

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL and INFORMATION SERVICE  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6333  
 TTY: (215) 451-6197

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL:

ASOCIACION DE LICENCIADOS DE FILADELFA  
 SERVICIO DE REFERENCIA E INFORMACION LEGAL  
 One Reading Center  
 Filadelfia, Pennsylvania 19107  
 Teléfono: (215) 238-6333  
 TTY: (215) 451-6197

Case ID: 141100917



**COMPLAINT IN PERSONAL INJURY  
2S PREMISES LIABILITY**

1. Plaintiff, Kimberly Nugent, is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.

2. Defendant, Millard Mall Services, Inc., is a corporation doing business in the Commonwealth of Pennsylvania with a business address listed in the caption of this complaint, and which at all times material hereto was the owner, operator, maintainer, possessor, lessor, lessee and/or otherwise legally responsible for the care, control and or safety of the premises located at or near 4301 Byberry Road, in the City and County of Philadelphia, in the Commonwealth of Pennsylvania (hereinafter referred to as "premises").

3. At all times material hereto defendant, Millard Mall Services, Inc., was acting individually, jointly and/or by and through defendant's agents, servants, franchisees, workmen and/or employees for the maintenance, repair, care and control of the premises.

4. Defendant, Mydatt Services, Inc., is a corporation doing business in the Commonwealth of Pennsylvania with a business address listed in the caption of this complaint, and which at all times material hereto was the owner, operator, maintainer, possessor, lessor, lessee and/or otherwise legally responsible for the care, control and or safety of the premises.

5. At all times material hereto defendant, Mydatt Services, Inc., was acting individually, jointly and/or by and through defendant's agents, servants, franchisees, workmen and/or employees for the maintenance, repair, care and control of the premises.

6. Defendant, Valor Security Services, is a business entity doing business in the Commonwealth of Pennsylvania with a business address listed in the caption of this complaint, and

which at all times material hereto was the owner, operator, maintainor, possessor, lessor, lessee and/or otherwise legally responsible for the care, control and or safety of the premises.

7. At all times material hereto defendant, Valor Security Services, was acting individually, jointly and/or by and through defendant's agents, servants, franchisees, workmen and/or employees for the maintenance, repair, care and control of the premises.

8. On or about June 2, 2013, plaintiff was an invitee, licensee and/or otherwise legally on defendant's premises, when, as a result of the negligence and/or carelessness of the defendants, the plaintiff tripped and fell due to broken/uneven pavement in the parking lot in front of Franklin Mills Mall.

9. As a result of this accident, the plaintiff suffered severe and permanent bodily injury as more fully set forth at length below.

#### **COUNT I**

**Kimberly Nugent v. Millard Mall Services, Inc.**

#### **Personal Injury**

10. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

11. The negligence and/or carelessness of defendant consisted of the following:

- a. Failure to design, construct, maintain, and/or repair the premises, sidewalks, pavements, pathways, walkways and/or parking lots over which invitees, licensees and/or others are likely to travel rendering the premises unsafe;

- b. Failure to properly monitor, test, inspect or clean the premises, sidewalks, pavements, pathways, walkways and/or parking lots to see if there were dangerous or defective conditions to those legally on the premises;
- c. Failure to provide sufficient warning as to the reasonably foreseeable defects and dangerous nature of the premises, sidewalks, pavements, pathways, walkways and/or parking lots to such invitees, licensees and/or others legally on the premises;
- d. Failure to barricade and/or block-off the defective and/or dangerous area of the premises sidewalks, pavements, pathways, walkways and/or parking lots;
- e. Failure to reasonably inspect, maintain and/or otherwise exercise due and reasonable care under the circumstances in view of the foreseeable dangers, accidents and/or injuries that could occur as a result of the conditions on the premises, sidewalks, pavements, pathways, walkways and/or parking lots;
- f. Failure to comply with all building codes, county and city laws, ordinances and regulations pertaining to the design, construction, and maintenance of the aforementioned premises;
- g. Failing to exercise the proper care, custody and control over the aforesaid premises;
- h. Failure to inspect, maintain and/or repair known and/or unknown defects; and,
- i. Failing to prevent and/or remove a dangerous condition derived, originated or had its source the aforesaid premises.

12. As a direct result of the negligent and/or careless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: multilevel lumbar disc herniations, multilevel lumbar disc bulges, cervical radiculopathy at C5-6, right shoulder strain and sprain, bilateral wrist sprain and strain, bilateral knee sprain and strain with right knee abrasion, lumbar sprain and strain, and any other ills, injuries, all to plaintiff's great loss and detriment.

13. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

14. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

15. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to the further loss and detriment of the plaintiff.

16. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related expenses in the amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed and upon which the plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable costs and any other relief the court deems necessary.

**COUNT II**  
**Kimberly Nugent v. Mydatt Services, Inc.**  
**Personal Injury**

17. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

18. The negligence and/or carelessness of defendant consisted of the following:

- a. Failure to design, construct, maintain, and/or repair the premises, sidewalks, pavements, pathways, walkways and/or parking lots over which invitees, licensees and/or others are likely to travel rendering the premises unsafe;
- b. Failure to properly monitor, test, inspect or clean the premises, sidewalks, pavements, pathways, walkways and/or parking lots to see if there were dangerous or defective conditions to those legally on the premises;
- c. Failure to provide sufficient warning as to the reasonably foreseeable defects and dangerous nature of the premises, sidewalks, pavements, pathways, walkways and/or parking lots to such invitees, licensees and/or others legally on the premises;
- d. Failure to barricade and/or block-off the defective and/or dangerous area of the premises sidewalks, pavements, pathways, walkways and/or parking lots;
- e. Failure to reasonably inspect, maintain and/or otherwise exercise due and reasonable care under the circumstances in view of the foreseeable dangers, accidents and/or injuries that could occur as a result of the conditions on the premises, sidewalks, pavements, pathways, walkways and/or parking lots;

- f. Failure to comply with all building codes, county and city laws, ordinances and regulations pertaining to the design, construction, and maintenance of the aforementioned premises;
- g. Failing to exercise the proper care, custody and control over the aforesaid premises;
- h. Failure to inspect, maintain and/or repair known and/or unknown defects; and,
- i. Failing to prevent and/or remove a dangerous condition derived, originated or had its source the aforesaid premises.

19. As a direct result of the negligent and/or careless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: multilevel lumbar disc herniations, multilevel lumbar disc bulges, cervical radiculopathy at C5-6, right shoulder strain and sprain, bilateral wrist sprain and strain, bilateral knee sprain and strain with right knee abrasion, lumbar sprain and strain, and any other ills, injuries, all to plaintiff's great loss and detriment.

20. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

21. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

22. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to the further loss and detriment of the plaintiff.

23. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related expenses in the amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed and upon which the plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable costs and any other relief the court deems necessary.

**COUNT III**  
**Kimberly Nugent v. Valor Security Services**  
**Personal Injury**

24. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

25. The negligence and/or carelessness of defendant consisted of the following:

- a. Failure to design, construct, maintain, and/or repair the premises, sidewalks, pavements, pathways, walkways and/or parking lots over which invitees, licensees and/or others are likely to travel rendering the premises unsafe;



- b. Failure to properly monitor, test, inspect or clean the premises, sidewalks, pavements, pathways, walkways and/or parking lots to see if there were dangerous or defective conditions to those legally on the premises;
- c. Failure to provide sufficient warning as to the reasonably foreseeable defects and dangerous nature of the premises, sidewalks, pavements, pathways, walkways and/or parking lots to such invitees, licensees and/or others legally on the premises;
- d. Failure to barricade and/or block-off the defective and/or dangerous area of the premises sidewalks, pavements, pathways, walkways and/or parking lots;
- e. Failure to reasonably inspect, maintain and/or otherwise exercise due and reasonable care under the circumstances in view of the foreseeable dangers, accidents and/or injuries that could occur as a result of the conditions on the premises, sidewalks, pavements, pathways, walkways and/or parking lots;
- f. Failure to comply with all building codes, county and city laws, ordinances and regulations pertaining to the design, construction, and maintenance of the aforementioned premises;
- g. Failing to exercise the proper care, custody and control over the aforesaid premises;
- h. Failure to inspect, maintain and/or repair known and/or unknown defects; and,
- i. Failing to prevent and/or remove a dangerous condition derived, originated or had its source the aforesaid premises.

26. As a direct result of the negligent and/or careless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: multilevel lumbar disc herniations, multilevel lumbar disc bulges, cervical radiculopathy at C5-6, right shoulder strain and sprain, bilateral wrist sprain and strain, bilateral knee sprain and strain with right knee abrasion, lumbar sprain and strain, and any other ills, injuries, all to plaintiff's great loss and detriment.

27. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

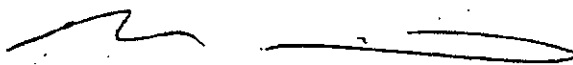
28. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

29. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to the further loss and detriment of the plaintiff.

30. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related expenses in the amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed and upon which the plaintiff makes a claim for payment in the present action.

WHEREFORE, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable costs and any other relief the court deems necessary.

SPEAR, GREENFIELD & RICHMAN, P.C.



MARC F. GREENFIELD, ESQUIRE

INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, SUPPLEMENTAL REQUESTS AND REQUEST FOR ADMISSIONS ARE SERVED ATTACHED TO PLAINTIFF'S COMPLAINT AT THE TIME SERVICE OF ORIGINAL PROCESS IS OR WAS EFFECTUATED.

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VERIFICATION

The undersigned, plaintiff in this action, verifies that the within pleading is based upon information furnished to counsel, which has been gathered by counsel in the preparation of this lawsuit. The language of the attached pleading is that of counsel and not of signor. Signor verifies that the within pleading, as prepared by counsel, is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the within pleading are that of counsel, signor has relied upon counsel in taking this verification.

This verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Kimberly N. Nigro